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Attorneys for Defendant
FIREYE, INC.

15 **IN THE UNITED STATES DISTRICT COURT**
16
FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 **OAKLAND DIVISION**

19 FINJAN, INC., a Delaware Corporation,

20 Plaintiff,

21 v.

22 FIREYE, INC., a Delaware Corporation,

23 Defendant.

Case No.: CV13-03133-SBA

**STIPULATION AND ORDER
REQUESTING EXTENSION OF THE
DEADLINE FOR THE PARTIES TO
COMPLETE MEDIATION**

Trial Date: None Set

RECITALS

Pursuant to Civil Local Rules 6-1(b), 6-2, 7-12, and ADR Local Rule 6-5, Plaintiff Finjan, Inc. and Defendant FireEye, Inc. (collectively, “the Parties”), by and through their respective counsel, hereby stipulate to the following request to extend the deadline for the Parties to complete mediation:

WHEREAS, on September 23, 2013 the Court granted the Parties' stipulation to select mediation as the Alternative Dispute Resolution (ADR) process, to be completed by the presumptive deadline of December 23, 2013 (Dkt. No. 20);

WHEREAS, on December 5, 2013, the ADR Office notified the Parties that the mediator then assigned to the case, Julie Mar-Spinola, was unable to conduct the mediation due to a family emergency and vacated the appointment of Ms. Mar-Spinola as mediator for this case (email from Alice Fiel (ADR Case Administrator); Dkt. Nos. 44-45);

WHEREAS, on December 13, 2013, the Court appointed Shirish Gupta as mediator for this case (Dkt. No. 46);

WHEREAS, on December 16, 2013, the Court entered an Order to extend the mediation deadline from December 23, 2013 to February 28, 2014, due to the need to accommodate the process of assigning a new mediator to the case (Dkt. No. 48);

WHEREAS, on January 2, 2014, the Court issued a notice continuing the initial case management conference in this action from January 9, 2014 to March 12, 2014 (Dkt. No. 49);

WHEREAS, on February 14, 2014, the Parties had a pre-mediation phone conference with Shirish Gupta, during which the parties agreed that, due to the extension in the case schedule, mediation would be more productive at a later date following the initial case management conference;

WHEREAS, the requested extension of time should not have any material effect on the schedule in this case.

STIPULATION

NOW THEREFORE, the Parties hereby stipulate and request that the deadline for the Parties to complete mediation be extended from February 28, 2014 to April 28, 2014.

Respectfully submitted,

Dated: February 20, 2014

KRAMER LEVIN NAFTALIS & FRANKEL LLP

By: /s/ Lisa Kobialka
Lisa Kobialka

Counsel for Plaintiff
FINJAN, INC.

DLA PIPER LLP (US)

Dated: February 20, 2014

By: /s/ Kathryn Riley Grasso

Counsel for Defendant
FIREYE, INC.

ATTESTATION PURSUANT TO L.R. 5-1(i)

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Lisa Kobialka
Lisa Kobialka

1 **[PROPOSED] ORDER**
2

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3 The deadline for the Parties to complete mediation in this matter is extended from February 28,
4 2014 to April 28, 2014.

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6 Dated: 2/20/2014


7 The Honorable Saundra B. Armstrong
8 United States District Judge

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